

09/10/2007 11:27 FAX

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SEP 10 2007

**FAX TRANSMISSION****DATE:** September 10, 2007**PTO IDENTIFIER:** Application Number 10/567,746-Conf. #5502  
Patent Number**Inventor:** Lutz Freitag**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** PATTON BOGGS LLP

Michele V. Frank

**PHONE:** (703) 744-8000**Attorney Dkt. #:** 023189.0101P2US**PAGES (Including Cover Sheet):** 14**CONTENTS:** Fee Transmittal (1 page)  
Response to Notification of Missing Requirements (4 pages)  
Copy of Fee Transmittal dated February 10, 2006 (1 page)  
Combined Declaration and Power of Attorney (4 pages)  
Part 2 Copy of Notification (2 pages)  
Payment by credit card. Form PTO-2038 is attached (1 page)  
Charge \$65.00 to credit card  
Certificate of Transmission (1 page)

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SEP 10 2007

PTO/SB/17 (06-07)

Approved for use through 09/30/2007. OMB 0681-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918). <b>FEE TRANSMITTAL</b> <b>For FY 2007</b>		<b>Complete if Known</b> Application Number 10/567,746-Conf. #5502 Filing Date February 10, 2006 First Named Inventor Lutz Freitag Examiner Name Not Yet Assigned Art Unit N/A Attorney Docket No. 023189.0101P2US	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	65.00	

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
☐ Deposit Account Deposit Account Number: 50-2228 Deposit Account Name: Patton Boggs LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).


Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = /50 = (round up to a whole number) x = Fees Paid (\$)

## 4. OTHER FEE(S)

Non-English Specification. \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2051 Surcharge-Late oath or declaration 65.00

SUBMITTED BY		Registration No.	Telephone
Signature		(Attorney/Agent) 37,028	(703) 744-8000
Name (Print/Type)	Michele V. Frank	Date	September 10, 2007

09/13/2007 MKAYPAGH 00000153 10567746

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SEP 10 2007

PTO/SB/97 (08-04)

Approved for use through 07/31/2008. OMB 0851-0031

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/587,748

Attorney Docket No.: 023189.0101P2US

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on September 10, 2007  
Date



Signature

Lisa Satterfield

Typed or printed name of person signing Certificate

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Fee Transmittal (1 page)

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SEP 10 2007

Docket No.: 023189.0101P2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Lutz Freitag

Application No.: 10/567,746

Confirmation No.: 5502

Filed: February 10, 2006

Art Unit: N/A

For: METHOD AND ARRANGEMENT FOR  
RESPIRATORY SUPPORT FOR A PATIENT  
AIRWAY PROSTHESIS AND CATHETER

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) mailed July 11, 2007, Applicant respectfully submits a Combined Declaration and Power of Attorney and a copy of the Notification.

The Notification also indicates that additional claim fees of \$100.00 are due. Applicant paid for 15 total claims and 4 independent claims upon filing of the application. (See Fee Transmittal dated February 10, 2006.) In the Preliminary Amendment filed February 10, 2006, 15 claims are presented, of which 4 are independent claims (Claims 1, 4, 10 and 13). Multiple dependent claims were canceled in that Response.

It is respectfully submitted that no additional claim fees are due.

A clean set of claims is attached hereto as Attachment A.

Please charge our Credit Card in the amount of \$65.00 covering the fee set forth in 37 CFR 1.16(f). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to

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Application No.: 10/567,746

Docket No.: 023189.0101P2US

be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2228, under Order No. 023189.0101P2US.

Dated: September 10, 2007

Respectfully submitted,

By 

Michele V. Frank

Registration No.: 37,028

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McLean, Virginia 22102

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Attorney for Applicant

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Application No.: 10/567,746

Docket No.: 023189.0101P2US

ATTACHMENT A

1. (Previously Presented) A process for respiratory support for a patient, wherein the patient's spontaneous respiration is recorded by sensors, and an additional quantity of oxygen is administered to the lung at the end of an inhalation process.
2. (Previously Presented) The process according to claim 1, wherein the oxygen quantity has a volume of 25 ml to 150 ml.
3. (Previously Presented) The process according claim 1, wherein the patient's exhalation process is slowed by a counter-flow.
4. (Previously Presented) An arrangement for respiratory support to a patient, including an oxygen pump to be connected to an oxygen supply, as well as an airway-prosthesis, to be connected via a catheter, wherein sensors are intended to record the patient's spontaneous respiration, same sensors being connected with a control unit to activate the oxygen pump, and the airway prosthesis possesses a tubular support body with a connector for the catheter, wherein two of the sensors are assigned to the support body.
5. (Previously Presented) The arrangement according to claim 4, in which a sensor is placed against the interior wall of the support body.
6. (Previously Presented) The arrangement according to claim 4, wherein the end of the catheter which is located within the support body is redirected so as to be approximately parallel to its longitudinal axis, as well as being provided with a jet nozzle at its end.
7. (Previously Presented) The arrangement according to claim 4 in which the oxygen pump consists of a piston pump.
8. (Previously Presented) The arrangement according to claim 4, in which the catheter is provided with a double lumen.
9. (Previously presented) The arrangement according to claim 4, wherein further respiratory sensors are intended in addition to the sensors.
10. (Previously presented) An airway prosthesis possessing a tubular support body with a connector for a jet catheter, wherein the support body includes at least two sensors.

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11. (Previously presented) The airway prosthesis according to claim 10, wherein a sensor is affixed to the internal wall of the support body.

12. (Previously presented) The airway prosthesis according to claim 10, wherein the catheter end within the support body is directed so as to be parallel to its longitudinal axis.

13. (Previously presented) A catheter as a tubular instrument to one of whose ends at least one sensor is affixed.

14. (Previously presented) The catheter according to claim 13 in which the end possesses a jet nozzle.

15. (Previously presented) The catheter according to claim 13, wherein the end is bent.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,746	Lutz Freitag	023189.0101P2US

INTERNATIONAL APPLICATION NO.

PCT/DE04/01646

I.A. FILING DATE	PRIORITY DATE
07/23/2004	08/11/2003

32042  
PATTON BOGGS LLP  
8484 WESTPARK DRIVE  
SUITE 900  
MCLEAN, VA 22102

CONFIRMATION NO. 5502

371 FORMALITIES LETTER



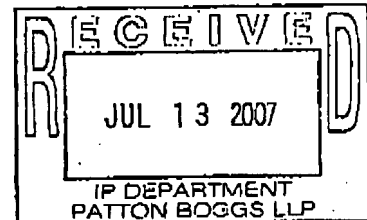
\*0C0G0000024756508\*

Date Mailed: 07/11/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/10/2006
- Copy of the International Search Report filed on 02/10/2006
- Preliminary Amendments filed on 02/10/2006
- Information Disclosure Statements filed on 02/10/2006
- U.S. Basic National Fees filed on 02/10/2006
- Priority Documents filed on 02/10/2006
- Specification filed on 02/10/2006
- Claims filed on 02/10/2006
- Abstracts filed on 02/10/2006
- Drawings filed on 02/10/2006

**Scanned**

Date 7/13/07

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

SUMMARY OF FEES DUE:



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Total additional fees required for this application is \$100 for a Small Entity:

- Total additional claim fee(s) for this application is \$ 100
  - \$100 for 2 independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

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**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,746	PCT/DE04/01646	023189.0101P2US

FORM PCT/DQ/EQ/905 (371 Formalities Notice)